



2815
PATENT
39943/PAN/C745

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Choquette et al.

Group No.: 2815

Serial No.: 09/ 871,492

Examiner: Warren, M.

Filed: May 31, 2001

For: Long Wavelength Vertical Cavity Laser

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES (37 C.F.R. § 1.191)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed May 29, 2003 finally rejecting claims 1-23.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

X other than a small entity \$320.00

Notice of Appeal fee due \$ 320.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(a) X A Response After Final Action was filed on July 15, 2003.

X An Advisory Action was mailed August 20, 2003.

(b) X Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

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SEP 26 2003
TECHNOLOGY CENTER 2300

09/24/2003 CCHRU1 00000065 190131 09871492
01 FC:1251 110.00 DA
02 FC:1401 320.00 DA

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	<u>Extension (months)</u>	<u>Fee for other than small entity</u>
<u>X</u>	one month	\$ 110.00
—	two months	\$ 390.00
—	three months	\$ 890.00
—	four months	\$1,390.00

If an additional extension of time is required, please consider this a petition therefor.

Extension fee due with this request \$ 110.00

or

(c) ___ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$ 320.00
Extension fee (if any)	\$ 110.00
TOTAL FEE DUE	\$ <u>430.00</u>

5. FEE PAYMENT

X Charge Account No. 19-0131 the sum of \$ 430.00.

A duplicate of this transmittal is attached.

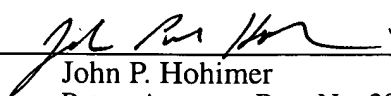
6. FEE DEFICIENCY

X Charge Account No. 19-0131 if any additional extension and/or fee is required.

Respectfully submitted,

Dated: September 16, 2003

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CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service in an envelope addressed to Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ 37 CFR 1.8(a)

With sufficient postage as first class mail

OR

☐ 37 CFR 1.10

As "Express Mail Post Office to Addressee"

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MARY LOUKOTA
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Mary Loukota
(Signature of person mailing paper)